

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENJAMIN ALLEN SWITEK, Case No.: 21-12711
Plaintiff,
v. Matthew F. Leitman
United States District Judge
MIDLAND COUNTY , Curtis Ivy, Jr.
Defendant. United States Magistrate Judge
/

ORDER REGARDING PLAINTIFF'S DOCUMENT (ECF No. 46)

Plaintiff filed a document on April 13, 2023. (ECF No. 46). The purpose of the document is unclear. It is titled, “Plaintiff has a Right to be Safe and to be Housed Under Humane Conditions while Under Midland County’s Care.” The document is styled as a motion—it has a caption, a statement of relevant facts (which is primarily a discussion of Eighth Amendment law), and relief requested. He requests that the Court grant his “motion and its claims against the Defendant and take notice and acknowledge Plaintiff’s good faith.” (*Id.* at PageID.354). Included with the document is a letter from a third-party supporting Plaintiff’s claims. (*Id.* at PageID.357-58).

“Plaintiff has a Right to be Safe and to be Housed Under Humane Conditions while Under Midland County’s Care” is not something the Court can “grant.” Perhaps this is Plaintiff’s attempt at a motion for summary judgment. It simply is unclear. For this reason, the Court will not take action on the document.

If this was intended as a motion for summary judgment, Plaintiff must file such motion, titled as a motion for summary judgment, and make arguments accordingly under Federal Rule of Civil Procedure 56.

IT IS SO ORDERED.

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d).

Date: April 17, 2023

s/Curtis Ivy, Jr.

Curtis Ivy, Jr.

United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System or by First Class U.S. mail on April 17, 2023.

s/Kristen MacKay

Case Manager

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